

# **EXHIBIT B**

CONFIDENTIAL

Page 1

1 UNITED STATES DISTRICT COURT  
 2 NORTHERN DISTRICT OF ILLINOIS  
 3 EASTERN DIVISION

4 DOROTHY FORTH, DONNA BAILEY, )  
 LISA BULLARD, RICARDO GONZALES, )  
 5 CYNTHIA RUSSO, TROY TERMINE, )  
 INTERNATIONAL BROTHERHOOD OF )  
 6 ELECTRICAL WORKERS LOCAL 38 )  
 HEALTH AND WELFARE FUND, )  
 7 INTERNATIONAL UNION OF )  
 OPERATING ENGINEERS LOCAL 295- )  
 8 295C WELFARE FUND, AND )  
 STEAMFITTERS FUND LOCAL 439, on )  
 9 Behalf of Themselves and All )  
 Similarly Situated, )  
 10 )  
 Plaintiffs, )  
 11 ) Civil No.  
 vs. ) 17-CV-2246  
 12 )  
 WALGREEN CO., )  
 13 )  
 Defendant. )

14  
 15  
 16 \*\* C O N F I D E N T I A L \*\*  
 17

18 The video deposition of MICHAEL AMIET, taken  
 19 before Richard Derrick Ehrlich, Registered Merit  
 20 Reporter, Certified Realtime Reporter, taken  
 21 pursuant to the Federal Rules of Civil Procedure, at  
 22 Reed Smith, LLP, 10 S. Wacker Drive, Chicago,  
 23 Illinois, commencing at 9:00 a.m., on the 20th day  
 24 of November, 2019.  
 25

CONFIDENTIAL

Page 81

1 Devine, and I believe testimony that  
2 Jay Bernstein has provided, was that that  
3 promotion was planned prior to the dispute that  
4 you're referencing with ESI where we were out of  
5 their retail network for some period of time;  
6 however, I think the support for that and  
7 extending that for the additional month was done  
8 in the context of that Express Scripts' dispute.

9 Q Other than the January 2012 example, do you  
10 recall any other examples where the membership  
11 fee wasn't the 20 for individual, 35 for a  
12 family?

13 A No.

14 Q And with respect to the fee, you have an  
15 understanding that there's also a savings  
16 guarantee that was in place for a period of  
17 time?

18 A There was a savings guarantee that was  
19 implemented in March of 2012 as part of the PSC  
20 2.0 refresh, as you may have seen it referenced  
21 in some of the documents. That guarantee was in  
22 place until October or November of 2017.

23 Q What's your understanding of what the savings  
24 guarantee was?

25 A If a member joined the club -- and, again, it

CONFIDENTIAL

Page 89

1 Club. Is the Prescription Savings Club an  
2 actual club?

3 MS. COLEMAN: Objection to form.

4 THE WITNESS: Can you help me understand  
5 how you define actual "club"?

6 BY MR. GUGLIELMO:

7 Q Sure.

8 Is there a membership list?

9 A Yes.

10 Q Okay. And where would that reside?

11 A So in order to adjudicate the PSC claims  
12 appropriately, we had to determine eligibility.  
13 I say "we." The PBM had to determine  
14 eligibility just like that PBM would determine  
15 eligibility for one of their plan sponsored  
16 customers.

17 So those lists that were constantly updated  
18 of who was an active member of the PSC, meaning  
19 people who had made the membership fee within  
20 the last 12 months, those were constantly being  
21 updated through the Walgreens systems and  
22 provided to the PBM to assist in that -- not to  
23 assist. To conduct that eligibility check as  
24 they processed the claims.

25 Q Did Walgreens ever instruct the PBM to provide

CONFIDENTIAL

Page 285

CERTIFICATE

I, Richard D. Ehrlich, a Certified Shorthand Reporter of the State of Illinois, CSR License No. 084-4018, do hereby certify that I stenographically reported the proceedings had at the video deposition, as aforesaid, and that the foregoing transcript is a true and accurate record of the proceedings had therein.

IN WITNESS WHEREOF, I do set my hand at Chicago, Illinois, this 13th day of December, 2019.



Richard D. Ehrlich  
Certified Shorthand Reporter  
License No. 084.4018